

USDC SDNY  
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DOC #: \_\_\_\_\_  
DATE FILED: 6/9/2023

**MEMORANDUM ENDORSEMENT**Carattini v. Behun, 21-cv-9373 (NSR)

The Court is in receipt of the attached letter from *pro se* Plaintiff (ECF No. 30), dated June 2, 2023, informing the Court that he had been transferred between correctional facilities and, as a result, did not receive certified mail from the Court or Defendant. Plaintiff requests permission to file an opposition to Defendant's motion to dismiss (ECF No. 25), a motion to appoint counsel, and a motion to amend the Complaint.

In light of Plaintiff's status as a *pro se* litigant, the Court DENIES without prejudice to refile at a later time Defendant's motion to dismiss and GRANTS Plaintiff leave to file an Amended Complaint.

Plaintiff is directed to file an Amended Complaint no later than July 19, 2023. If Plaintiff timely files an Amended Complaint, Defendant will then have 21 days to file an answer or otherwise seek leave to move in response to the Amended Complaint. In the event Plaintiff fails to timely file an Amended Complaint or otherwise show good cause for failure to do so, the Court will deem the original Complaint to be the operative one and will allow Defendant to re-serve its prior motion and request a briefing schedule for the filing of opposition and reply papers.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 25. The Clerk of Court is further directed to mail a copy of this Endorsement to *pro se* Plaintiff at his address listed on ECF and to show service on the docket.

**SO ORDERED:**

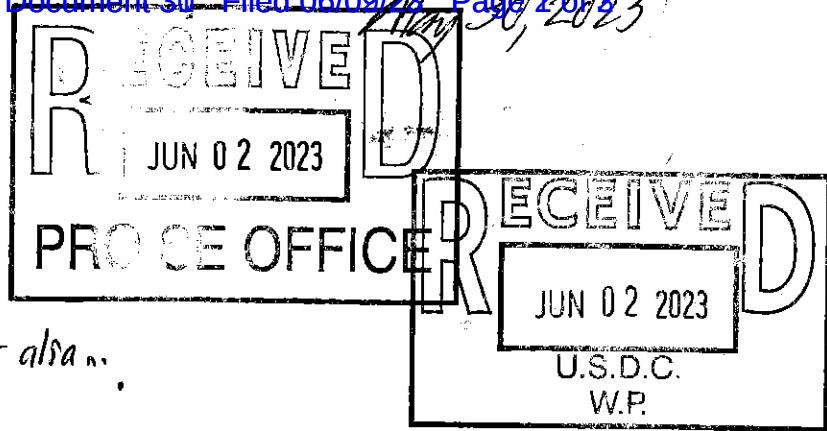
DATED: June 9, 2023

White Plains, NY



HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE

Clerk of Court-Civil Dept.  
U.S. District Court-Southern Dist.  
300 Quarropas Street  
White Plains, N.Y. 10601



Re: Pleadings, time constraints, inter alia...  
7:21-cv-09373-NSR

Dear Clerk of Courts

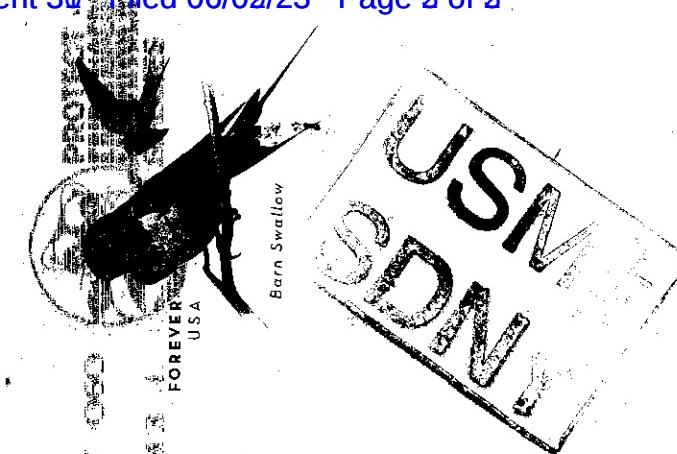
I just received certified mail from October 28, 2022, on May 24, 2023, approximately seven months. Now, my "transfers" seem to be over and my address is 629 Randall Road, Ludlow, MA. 01056, however, I now have one (1) hour of law library access per week. No electronic filing, no internet access, no word processors or other devices to make things convenient for me.

Please send me the following; a docket entry sheet for my case (7:21-cv-09373-NSR); a copy of my original complaint and Judge Nelson S. Roman's latest orders. Thank You for your assistance. With the help of another inmate, I will be filing an Opposition to Dismiss, a Motion to Appoint Counsel and Memorandum of Law, A Motion to Amend my Complaint and an Amended Verified Complaint and Affidavit.

Respectfully Submitted by,  


Copies; Clerk of Court; File;  
Attorney Alyssa B. O'Gallagher

Eric Carattini, pro se  
629 Randall Road  
Ludlow, MA. 01056

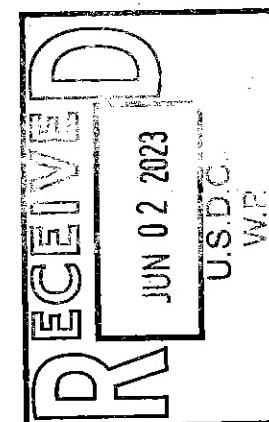


UNITED STATES POSTAGE FOREVER

Barn Swallow  
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Encaraffini-160004  
629 Randall Road  
Ludlow, MA. 01056

Clerk of Courts-Civil Dept.  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, N.Y. 10601



10001-414000